

414 Rec'd PCT/F 22 DEC 2000

Attorney's Docket No. TruTech P-302

**CHAPTER II**

**TRANSMITTAL LETTER TO THE UNITED STATES  
ELECTED OFFICE (EO/US)**

**(ENTRY INTO U.S. NATIONAL PHASE UNDER CHAPTER II)**

INTERNATIONAL APPLICATION NO. PCT/US99/14054	INTERNATIONAL FILING DATE 22 June 1999	PRIORITY DATE CLAIMED 22 June 1998
TITLE OF INVENTION Grinding Machine, Computer Software To Operate Such A Machine, And		
APPLICANT(S) Steven G. Smarsh, et al.		
Their Uses Therefor		

**Box PCT**  
**Assistant Commissioner for Patents**  
**Washington D.C. 20231**

**ATTENTION: EO/US**

**NOTE:** The completion of those filing requirements that can be made at a time later than 30 months from the priority date results from the Commissioner exercising his judgment under the authority granted under 35 USC 371(d). The filing receipt will show the actual date of receipt of the last item completing the entry into the national phase. See 37 CFR 1.491 which states: "An international application enters the national state when the applicant has filed the documents and fees required by 35 USC 371(c) within the periods set forth in § 1.494 and § 1.495."

**WARNING:** Where the items are those which can be submitted to complete the entry of the international application into the national phase are subsequent to 30 months from the priority date the application is still considered to be in the international state and if mailing procedures are utilized to obtain a date the express mail procedure of 37 CFR 1.10 must be used (since international application papers are not covered by an ordinary certificate of mailing - 37 CFR 1.8 (2) (xi)).

**NOTE:** Documents and fees must be clearly identified as a submission to enter the national state under 35 USC 371 otherwise the submission will be considered as being made under 35 USC 111. 37 CFR 1.494(f).

**CERTIFICATION UNDER 37 CFR 1.10**

I hereby certify that this Transmittal Letter and the papers indicated as being transmitted therewith is being deposited with the United States Postal Service on this date December 22, 2000, in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EJ670064432US, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Nancy L. Craft

(type or print name of person mailing paper)

Signature of person mailing paper

**NOTE:** Each paper or fee referred to as enclosed herein has the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 CFR 1.16(b).

**WARNING:** Certificate of mailing (first class) or facsimile transmission procedures of 37 CFR 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

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- I. Applicant hereby submits to the United States Elected Office (EO/US) the following items under 35 U.S.C. 371:

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- a. ☒ This express request to immediately begin national examination procedures (35 U.S.C. 371(f)).
- b. ☒ The U.S. National Fee (35 U.S.C. 371(c)(1)) and other fees (37 CFR 1.492) as indicated below:

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## 2. Fees

CLAIMS FEE	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
<input type="checkbox"/> *	TOTAL CLAIMS	11 - 20 =	-	\$18.00 × <del>\$22.00</del> =	\$ --
	INDEPENDENT CLAIMS	5 - 3 =	2	\$80.00 × <del>\$75.00</del> =	160.00
	MULTIPLE DEPENDENT CLAIM(S) (if applicable) + \$250.00				
BASIC FEE**	<input checked="" type="checkbox"/> U.S. PTO WAS INTERNATIONAL PRELIMINARY EXAMINATION AUTHORITY Where an International preliminary examination fee as set forth in § 1.482 has been paid on the international application to the U.S. PTO: <input checked="" type="checkbox"/> and the international preliminary examination report states that the criteria of novelty, inventive step (non-obviousness) and industrial activity, as defined in PCT Article 33(1) to (4) have been satisfied for all the claims presented in the application entering the national stage (37 CFR 1.492(a)(4)) ..... \$100.00 <del>\$24.00</del> <input type="checkbox"/> and the above requirements are not met (37 CFR 1.492(a)(1)) ..... \$680.00 <input type="checkbox"/> U.S. PTO WAS NOT INTERNATIONAL PRELIMINARY EXAMINATION AUTHORITY Where no international preliminary examination fee as set forth in § 1.482 has been paid to the U.S. PTO, and payment of an international search fee as set forth in § 1.445(a)(2) to the U.S. PTO: <input type="checkbox"/> has been paid (37 CFR 1.492(a)(2)) ..... \$750.00 <input type="checkbox"/> has not been paid (37 CFR 1.492(a)(3)) ..... \$1,010.00 <input type="checkbox"/> where a search report on the international application has been prepared by the European Patent Office or the Japanese Patent Office (37 CFR 1.492(a)(5) ) ..... \$880.00				100.00
	Total of above Calculations				=260.00
SMALL ENTITY	Reduction by 1/2 for filing by small entity, if applicable. Affidavit must be filed also. (note 37 CFR 1.9, 1.27, 1.28)				130.00
	Subtotal				130.00
	Total National Fee				\$ 345.00
	Fee for recording the enclosed assignment document \$40.00 (37 CFR 1.21(h)). (See Item 13 below). See attached "ASSIGNMENT COVER SHEET".				--
TOTAL	Total Fees enclosed				\$,475.00

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\*See attached Preliminary Amendment Reducing the Number of Claims.

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- i. ☐ Check in the amount of \_\_\_\_\_ to cover the above fees is enclosed.
- ii. ☒ Please charge Account No. 03-0682 in the amount of \$ 475.00.  
A duplicate copy of this sheet is enclosed.

**\*\*WARNING:** "To avoid abandonment of the application the applicant shall furnish to the United States Patent and Trademark Office not later than the expiration of 30 months from the priority date: \* \* \* (2) the basic national fee (see § 1.492(a)). The 30-month time limit may not be extended." 37 CFR § 1.495(b).

**WARNING:** If the translation of the international application and/or the oath or declaration have not been submitted by the applicant within thirty (30) months from the priority date, such requirements may be met within a time period set by the Office. 37 CFR § 1.495(b)(2). The payment of the surcharge set forth in § 1.492(e) is required as a condition for accepting the oath or declaration later than thirty (30) months after the priority date. The payment of the processing fee set forth in § 1.492(f) is required for acceptance of an English translation later than thirty (30) months after the priority date. Failure to comply with these requirements will result in abandonment of the application. The provisions of § 1.136 apply to the period which is set. Notice of January 3, 1993, 1147 O.G. 29 to 40.

3. ☒ A copy of the International application as filed (35 U.S.C. 371(c)(2)):

**NOTE:** Section 1.495 (b) was amended to require that the basic national fee and a copy of the international application must be filed with the Office by 30 months from the priority date to avoid abandonment. "The International Bureau normally provides the copy of the international application to the Office in accordance with PCT Article 20. At the same time, the International Bureau notifies applicant of the communication to the Office. In accordance with PCT Rule 47.1, that notice shall be accepted by all designated offices as conclusive evidence that the communication has duly taken place. Thus, if the applicant desires to enter the national stage, the applicant normally need only check to be sure the notice from the International Bureau has been received and then pay the basic national fee by 30 months from the priority date." Notice of January 7, 1993, 1147 O.G. 29 to 40, at 35-36. See item 14c below.

- a. ☐ is transmitted herewith.
- b. ☒ is not required, as the application was filed with the United States Receiving Office.
- c. ☐ has been transmitted
  - i. ☐ by the International Bureau.  
Date of mailing of the application (from form PCT/1B/308): \_\_\_\_\_
  - ii. ☐ by applicant on (date) \_\_\_\_\_

4. ☒ A translation of the International application into the English language (35 U.S.C. 371(c)(2)):

- a. ☐ is transmitted herewith.
- b. ☒ is not required as the application was filed in English.
- c. ☐ was previously transmitted by applicant on (date) \_\_\_\_\_
- d. ☐ will follow.

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5. ☒ Amendments to the claims of the International application under PCT Article 19 (35 U.S.C. 371(c)(3)):

NOTE: The Notice of January 7, 1993 points out that 37 CFR § 1.495(a) was amended to clarify the existing and continuing practice that PCT Article 19 amendments must be submitted by 30 months from the priority date and this deadline may not be extended. The Notice further advises that: "The failure to do so will not result in loss of the subject matter of the PCT Article 19 amendments. Applicant may submit that subject matter in a preliminary amendment filed under section 1.121. In many cases, filing an amendment under section 1.121 is preferable since grammatical or idiomatic errors may be corrected." 1147 O.G. 29-40, at 36.

- a. ☐ are transmitted herewith.
  - b. ☐ have been transmitted
    - i. ☐ by the International Bureau.  
Date of mailing of the amendment (from form PCT/1B/308): \_\_\_\_\_.
    - ii. ☐ by applicant on (date) \_\_\_\_\_.
  - c. ☒ have not been transmitted as
    - i. ☒ applicant chose not to make amendments under PCT Article 19.  
Date of mailing of Search Report (from form PCT/ISA/210.): 09 Feb 2000
    - ii. ☐ the time limit for the submission of amendments has not yet expired.  
The amendments or a statement that amendments have not been made will be transmitted before the expiration of the time limit under PCT Rule 46.1.
6. ☒ A translation of the amendments to the claims under PCT Article 19 (38 U.S.C. 371(c)(3)):
- a. ☐ is transmitted herewith.
  - b. ☐ is not required as the amendments were made in the English language.
  - c. ☒ has not been transmitted for reasons indicated at point 5c above.
7. ☒ A copy of the international examination report (PCT/IPEA/409)
- ☐ is transmitted herewith.
  - ☒ is not required as the application was filed with the United States Receiving Office.
8. ☒ Annex(es) to the international preliminary examination report
- a. ☐ is/are transmitted herewith.
  - b. ☒ is/are not required as the application was filed with the United States Receiving Office.
9. ☐ A translation of the annexes to the international preliminary examination report
- a. ☐ is transmitted herewith.
  - b. ☐ is not required as the annexes are in the English language.

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10. ☒ An oath or declaration of the inventor (35 U.S.C. 371(c)(4)) complying with 35 U.S.C. \_\_\_\_\_

- a. ☐ was previously submitted by applicant on (date) \_\_\_\_\_.
- b. ☒ is submitted herewith, and such oath or declaration
- i. ☒ is attached to the application.
- ii. ☐ identifies the application and any amendments under PCT Article 19 that were transmitted as stated in points 3b or 3c and 5b; and states that they were reviewed by the inventor as required by 37 CFR 1.70.
- iii. ☐ will follow.

II. Other document(s) or information included:

11. ☒ An International Search Report (PCT/ISA/210) or Declaration under PCT Article 17(2)(a):
- a. ☐ is transmitted herewith.
- b. ☒ has been transmitted by the International Bureau.  
Date of mailing (from form PCT/IB/308): 09 Feb 2000
- c. ☐ is not required, as the application was searched by the United States International Searching Authority.
- d. ☐ will be transmitted promptly upon request.
- e. ☐ has been submitted by applicant on (date) \_\_\_\_\_.
12. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98:
- a. ☐ is transmitted herewith.
- Also transmitted herewith is/are:
- ☐ Form PTO-1449.
- ☐ Copies of citations listed.
- b. ☒ will be transmitted within THREE MONTHS of the date of submission of requirements under 35 U.S.C. 371(c).
- c. ☐ was previously submitted by applicant on (date) \_\_\_\_\_.
13. ☐ An assignment document is transmitted herewith for recording.
- A separate ☐ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☐ FORM PTO 1595 is also attached.

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